

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 18, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 18, 2003

The Senate met in regular session at 8:30 a.m., President Kramer presiding.

Prayer was offered by the Reverend Tom McDermott, pastor of the Sacred Heart Church in Maquoketa, Iowa. He was the guest of Senator Stewart.

The Journal of Monday, March 17, 2003, was approved.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 404](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 8:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:05 a.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 340, 343, and 196.

Senate File 340

On motion of Senator Brunkhorst, **Senate File 340**, a bill for an act relating to business entities, based on revisions related to the Iowa business corporation Act, including addition of a savings clause and addition of provisions related to director and officer liability, duty, and indemnification for certain insurance companies and indemnification for cooperative associations, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 340**), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 343

On motion of Senator Ziemann, **Senate File 343**, a bill for an act relating to operation permits for public disposal systems and providing an effective date, was taken up for consideration.

Senator Ziemann moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 343**), the vote was:

Yeas, 30:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Houser
Iverson	Johnson	Kettering	Kramer
Kreiman	Lamberti	Larson	Lundby
McKibben	McKinley	Miller	Putney
Redfern	Rehberg	Schuerer	Seymour
Shull	Sievers	Tinsman	Veenstra
Wieck	Ziemann		

Nays, 19:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Holveck
Horn	Kibbie	Quirnbach	Ragan
Seng	Stewart	Warnstadt	

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 196

On motion of Senator Dearden, **Senate File 196**, a bill for an act relating to rotation of judges' names on the ballots in certain counties, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 196](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 349](#), a bill for an act relating to the representation of indigent persons and indigent defense claims.

Read first time and referred to committee on **Judiciary**.

[House File 380](#), a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Read first time and referred to committee on **Agriculture**.

[House File 386](#), a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Read first time and referred to committee on **Human Resources**.

[House File 389](#), a bill for an act providing for miscellaneous technical and substantive changes relating to controlled and precursor substances.

Read first time and referred to committee on **Human Resources**.

[House File 390](#), a bill for an act relating to economic development programs for targeted small businesses.

Read first time and referred to committee on **Economic Growth**.

[House File 392](#), a bill for an act relating to economic growth strategic planning.

Read first time and referred to committee on **Economic Growth**.

[House File 453](#), a bill for an act relating to animal biotechnology by creating an animal biotechnology commercialization fund, extending the time period during which a life science enterprise may purchase agricultural land, making appropriations, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 196, 340, and 343** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEES

Senator Iverson asked and received unanimous consent that [Senate File 391](#) be referred from the Regular Calendar to the committee on **Appropriations** and [House Concurrent Resolution 6](#) be referred from the Regular Calendar to the committee on **Rules and Administration**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 296, 353, and 155.

[Senate File 296](#)

On motion of Senator Putney, [Senate File 296](#), a bill for an act authorizing the issuance of special registration plates to owners of motor trucks, was taken up for consideration.

Senator Putney asked and received unanimous consent that [House File 290](#) be substituted for [Senate File 296](#).

[House File 290](#)

On motion of Senator Putney, [House File 290](#), a bill for an act authorizing the issuance of special registration plates to owners of motor trucks, was taken up for consideration.

Senator Putney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 290](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering

Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Putney asked and received unanimous consent that [Senate File 296](#) be **withdrawn** from further consideration of the Senate.

[Senate File 353](#)

On motion of Senator Tinsman, [Senate File 353](#), a bill for an act requiring establishment of county child protection assistance teams, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 353](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng

Seymour
Tinsman
Zieman

Shull
Veenstra

Sievers
Warnstadt

Stewart
Wieck

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 155

On motion of Senator Kreiman, **Senate File 155**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Kreiman asked and received unanimous consent to withdraw amendment **S-3016**, filed by Senators Kreiman and Kettering on February 20, 2003, to page 2 of the bill.

Senator Kreiman offered amendment **S-3041**, filed by Senators Kreiman and Kettering from the floor to pages 2, 10, 17, 18, and 22 of the bill, and moved its adoption.

Amendment **S-3041** was adopted by a voice vote.

With the adoption of amendment **S-3041**, the Chair ruled amendment **S-3026**, filed by Senator Kreiman on March 5, 2003, to pages 10, 17, 18, and 22 of the bill, out of order.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 155**), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Files 155, 353**, and [House File 290](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 152, 315, and 303.

[Senate File 152](#)

On motion of Senator Quirnbach, [Senate File 152](#), a bill for an act relating to compensation for members of county commissions of veteran affairs, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 152](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 315](#)

On motion of Senator Shull, [Senate File 315](#), a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable, was taken up for consideration.

Senator Shull asked and received unanimous consent that [House File 343](#) be substituted for [Senate File 315](#).

[House File 343](#)

On motion of Senator Shull, [House File 343](#), a bill for an act relating to enforcement of motor vehicle law provisions and making penalties applicable, was taken up for consideration.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 343](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Shull asked and received unanimous consent that [Senate File 315](#) be **withdrawn** from further consideration of the Senate.

[Senate File 303](#)

On motion of Senator Kreiman, [Senate File 303](#), a bill for an act relating to the contents of certain child abuse assessment reports, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 303](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 152, 303**, and [House File 343](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 342](#).

[Senate File 342](#)

On motion of Senator Wieck, [Senate File 342](#), a bill for an act relating to the sale of wine produced by native wineries in this state, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 342](#)), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:32 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

House File 395, a bill for an act relating to the extension of credit without discrimination under the consumer credit code.

Read first time and referred to committee on **Commerce**.

House File 396, a bill for an act relating to disaster preparedness and providing an effective date.

Read first time and referred to committee on **Human Resources**.

IMMEDIATELY MESSAGED

Senator Johnson asked and received unanimous consent that **Senate File 342** be **immediately messaged** to the House.

QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Brunkhorst, until he returns, on request of Senator Putney.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 351 and 298.

Senate File 351

On motion of Senator Tinsman, **Senate File 351**, a bill for an act relating to child care requirements involving prohibitions against

involvement with child care, record checks and evaluations performed by the department of human services, eligibility for state assistance, and child care fraud program sanctions, and making penalties applicable, was taken up for consideration.

Senator Tinsman offered amendment [S-3048](#), filed by her from the floor to page 8 of the bill, and moved its adoption.

Amendment [S-3048](#) was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 351](#)), the vote was:

Yeas, 48:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Connolly	Courtney
Dearden	Dotzler	Drake	Dvorsky
Fraise	Gaskill	Gronstal	Hatch
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Kreiman	Lamberti	Larson
Lundby	McKibben	McKinley	Miller
Putney	Quirnbach	Ragan	Redfern
Rehberg	Schuerer	Seng	Seymour
Shull	Sievers	Stewart	Tinsman
Veenstra	Warnstadt	Wieck	Zieman

Nays, none.

Absent, 2:

Brunkhorst McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

Senator Iverson welcomed to the Senate chamber the Honorable John W. Jensen, former member of the Senate from Bremer County.

The Senate rose and expressed its welcome.

Senate File 298

On motion of Senator Putney, **Senate File 298**, a bill for an act expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, was taken up for consideration.

Senator Putney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 298**), the vote was:

Yeas, 49:

Angelo	Beall	Behn	Black
Boettger	Bolkcom	Brunkhorst	Connolly
Courtney	Dearden	Dotzler	Drake
Dvorsky	Fraise	Gaskill	Gronstal
Hatch	Holveck	Horn	Hosch
Houser	Iverson	Johnson	Kettering
Kibbie	Kramer	Kreiman	Lamberti
Larson	Lundby	McKibben	McKinley
Miller	Putney	Quirnbach	Ragan
Redfern	Rehberg	Schuerer	Seng
Seymour	Shull	Sievers	Stewart
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, none.

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 298 and 351 be immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 390](#).

[Senate File 390](#)

On motion of Senator Shull, [Senate File 390](#), a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions, was taken up for consideration.

(Action on [Senate File 390](#) was deferred.)

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:20 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2003, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Joint Resolution 5](#), a joint resolution to nullify administrative rules of the department of natural resources concerning methods of taking wild turkey and deer and providing an effective date.

Read first time and referred to committee on **Natural Resources and Environment**.

ALSO: That the House has on March 18, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 404](#), a bill for an act authorizing a sentencing court to issue no-contact orders against persons arrested for any public offense.

Read first time and referred to committee on **Judiciary**.

[House File 411](#), a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 456](#), a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date.

Read first time and referred to committee on **State Government**.

[House File 472](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and referred to committee on **Appropriations**.

[House File 543](#), a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

Read first time and referred to committee on **Commerce**.

BUSINESS PENDING

Senate File 390

The Senate resumed consideration of **Senate File 390**, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions, previously deferred.

Senator Lundby offered amendment **S-3043**, filed by Senators Lundby and Sievers from the floor to page 2 of the bill.

Senator Holveck asked and received unanimous consent that action on amendment **S-3043** and **Senate File 390** be deferred.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration **Senate File 357**.

Senate File 357

On motion of Senator Miller, **Senate File 357**, a bill for an act relating to election or appointment of trustees of a city hospital or health care facility, was taken up for consideration.

Senator Quirnbach asked and received unanimous consent that action on **Senate File 357** be deferred.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:33 p.m. until 5:00 p.m.

APPENDIX — 1**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 18, 2003

DEPARTMENT OF EDUCATION

Phase III Summary Report, pursuant to Iowa Code, chapter 294A.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from the third and fourth grades at St. Thomas Aquinas Elementary School in Webster City, accompanied by their teacher Judy Wagner. Senator Iverson.

Fifty government and history students from Davenport West High School in Davenport, accompanied by Mr. Pagan and Mr. Barnhill. Senators Seng, Sievers, and Tinsman.

PETITION

The following petition was presented and placed on file:

From 50 residents of Scott County favoring legislation to ban adoption in Iowa by gay and lesbian couples. Senator Tinsman.

INTRODUCTION OF BILL

Senate File 422, by committee on Judiciary, a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, by creating a criminal offense of robbery in the third degree, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate

sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

SSB 1175 **Appropriations**

Relating to creating a loan and credit guarantee program and fund.

SUBCOMMITTEE ASSIGNMENTS

Senate File 350

APPROPRIATIONS: Sievers, Chair; Behn and Warnstadt

Senate File 360

WAYS AND MEANS: Larson, Chair; Lamberti and McCoy

Senate File 367

APPROPRIATIONS: Lamberti, Chair; Gaskill and Hatch

Senate File 382

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

Senate File 404

WAYS AND MEANS: Larson, Chair; Angelo and McCoy

Senate File 419

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Dearden and Lundby

Senate File 420

STATE GOVERNMENT: Zieman, Chair; Connolly and Sievers

House File 339

TRANSPORTATION: Rehberg, Chair; Drake and Warnstadt

[House File 453](#)

APPROPRIATIONS: Lamberti, Chair; Gaskill and Hatch

[SSB 1175](#)

APPROPRIATIONS: Lamberti, Chair; Dotzler and Shull

COMMITTEE REPORT

JUDICIARY

Final Bill Action: *[SENATE FILE 422 \(SSB 1138\)](#), a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, by creating a criminal offense of robbery in the third degree, modifying dissemination of sex offender registry information and residence restrictions for a sex offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redfern, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, Miller, Quirmbach, and Tinsman. Nays, 3: Larson, McKibben, and Putney. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 422](#), and they were attached to the committee report.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 17, 2003, when the votes were taken on Senate Files 3, 73, 97, 119, 203, and 235. Had I been present, I would have voted "Yea" on all.

CHUCK LARSON

ALSO:

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 18, 2003, when the vote was taken on [Senate File 351](#). Had I been present, I would have voted "Yea."

BOB BRUNKHORST

EVENING SESSION

The Senate reconvened at 5:06 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kreiman, for the remainder of the day, on request of Senator Gronstal; and Senator Boettger, until she returns, on request of Senator Iverson.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate File 401](#).

[Senate File 401](#)

On motion of Senator Sievers, [Senate File 401](#), a bill for an act relating to tobacco retailers and providing penalties and providing applicability provisions and an effective date, was taken up for consideration.

Senator Sievers offered amendment [S-3057](#), filed by him from the floor to pages 1–3 of the bill, and moved its adoption.

Amendment [S-3057](#) was adopted by a voice vote.

Senator Sievers moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass” ([S.F. 401](#)), the vote was:

Yeas, 41:

Angelo	Beall	Behn	Black
Brunkhorst	Connolly	Courtney	Dearden
Drake	Fraise	Gaskill	Gronstal
Holveck	Horn	Hosch	Houser
Iverson	Johnson	Kettering	Kibbie
Kramer	Lamberti	Larson	Lundby
McKibben	McKinley	Miller	Putney
Ragan	Redfern	Rehberg	Schuerer
Seng	Seymour	Shull	Sievers
Tinsman	Veenstra	Warnstadt	Wieck
Zieman			

Nays, 6:

Bolkcom	Dotzler	Dvorsky	Hatch
Quirnbach	Stewart		

Absent, 3:

Boettger	Kreiman	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

[Senate File 390](#)

The Senate resumed consideration of [Senate File 390](#), a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and applicability date provisions, previously deferred (amendment [S-3043](#) pending).

Senator Dearden offered amendment [S-3059](#), filed by Senator Dearden, et al., from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3059](#) be adopted?” ([S.F. 390](#)), the vote was:

Yeas, 20:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Holveck
Horn	Kibbie	Miller	Quirnbach
Ragan	Seng	Stewart	Warnstadt

Nays, 28:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Houser
Iverson	Johnson	Kettering	Kramer
Lamberti	Larson	Lundby	McKibben
McKinley	Putney	Redfern	Rehberg
Schuerer	Seymour	Shull	Sievers
Tinsman	Veenstra	Wieck	Zieman

Absent, 2:

Kreiman	McCoy
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Amendment [S-3059](#) lost.

The Senate resumed consideration of amendment [S-3043](#), previously deferred.

Senator Lundby moved the adoption of amendment [S-3043](#), which motion prevailed by a voice vote.

Senator Dearden offered amendment [S-3052](#), filed by Senators Dearden and Hatch from the floor to pages 3, 10, 15–17, and 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3052](#) be adopted?” ([S.F. 390](#)), the vote was:

Yeas, 20:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Holveck
Horn	Kibbie	Miller	Quirmbach
Ragan	Seng	Stewart	Warnstadt

Nays, 28:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Houser
Iverson	Johnson	Kettering	Kramer
Lamberti	Larson	Lundby	McKibben
McKinley	Putney	Redfern	Rehberg
Schuerer	Seymour	Shull	Sievers
Tinsman	Veenstra	Wieck	Zieman

Absent, 2:

Kreiman	McCoy
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Amendment [S-3052](#) lost.

Senator Dearden offered amendment [S-3049](#), filed by him from the floor to pages 3–5 of the bill, and moved its adoption.

Amendment [S-3049](#) lost by a voice vote.

Senator Lundby offered amendment [S-3056](#), filed by Senators Lundby and Sievers from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment [S-3056](#) was adopted by a voice vote.

Senator Shull withdrew amendment [S-3035](#), filed by him on March 17, 2003, to pages 5, 10, 18, and 19 of the bill.

Senator Sievers offered amendment [S-3045](#), filed by Senators Sievers and Lundby from the floor to pages 5, 10, 18, and 19 of the bill.

Senator Sievers called for the following division of amendment [S-3045](#):

Division [S-3045A](#): Lines 2–5; and
 Division [S-3045B](#): Lines 6–38.

Senator Sievers asked and received unanimous consent to withdraw division [S-3045A](#).

Senator Sievers moved the adoption of division [S-3045B](#), which motion prevailed by a voice vote.

Senator Lundby offered amendment [S-3044](#), filed by Senators Lundby and Sievers from the floor to pages 6 and 16 of the bill.

Senator Lundby asked and received unanimous consent to withdraw amendment [S-3044](#).

Senator Dearden offered amendment [S-3050](#), filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment [S-3050](#) lost by a voice vote.

Senator Dearden offered amendment [S-3051](#), filed by him from the floor to pages 13 and 18 of the bill, and moved its adoption.

Amendment [S-3051](#) lost by a voice vote.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 390](#)), the vote was:

Yeas, 26:

Angelo	Behn	Boettger	Brunkhorst
Drake	Gaskill	Hosch	Iverson
Johnson	Kettering	Kramer	Lamberti
Larson	McKibben	McKinley	Miller
Putney	Redfern	Schuerer	Seymour
Shull	Sievers	Tinsman	Veenstra
Wieck	Zieman		

Nays, 22:

Beall	Black	Bolkcom	Connolly
Courtney	Dearden	Dotzler	Dvorsky
Fraise	Gronstal	Hatch	Holveck
Horn	Houser	Kibbie	Lundby
Quirnbach	Ragan	Rehberg	Seng
Stewart	Warnstadt		

Absent, 2:

Kreiman McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 390 and 401** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

House File 391, a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Read first time and referred to committee on **Commerce**.

House File 446, a bill for an act relating to dealership agreements, and providing for the Act's applicability.

Read first time and **passed on file**.

House File 506, a bill for an act renaming the department of economic development and the Iowa economic development board.

Read first time and referred to committee on **Economic Growth**.

House File 529, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

Read first time and referred to committee on **Human Resources**.

House File 548, a bill for an act relating to tribal law enforcement officer training at the Iowa law enforcement academy.

Read first time and **attached to similar Senate File 362**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:17 p.m. until 8:30 a.m. Wednesday, March 19, 2003.

APPENDIX —2**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Emmetsburg High School Wrestling Team — For achieving your fourth consecutive State 2A Wrestling Championship. Senator Kibbie (3/18/03).

Cathy Lacina — For being named Iowa Rural Water Association Office Manager of the Year. Senator Angelo (3/18/03).

Michael Lawler, Eldora — For achieving the rank of Eagle Scout. Senator McKibben (3/18/03).

Kay Lucas, Bedford — For being named 2003 Iowa Mother of the Year. Senator Angelo (1/18/03).

Dan McIntosh, Creston — For being named Iowa Rural Water Association Operator of the Year. Senator Angelo (3/18/03).

Steven Nesteby, Dubuque — For achieving the rank of Eagle Scout. Senator Connolly (3/18/03).

Abby Reinert, Union — For being named a McDonald's All-American. Senator McKibben (3/18/03).

Chase Rogers, Marshalltown — For being the State Champion Class 3A 275 Pound Wrestler. Senator McKibben (3/18/03).

Eric Small, Dubuque — For achieving the rank of Eagle Scout. Senator Connolly (3/18/03).

Jeff Stickrod, Eldora — For achieving the rank of Eagle Scout. Senator McKibben (3/18/03).

Coach Duane Twait — For 29 years of championship football in the Emmetsburg Community School District. Senator Kibbie (3/18/03).

Adam Viet, AGWSR Community School — For becoming the 25th Iowa prep to reach 2,000 points. Senator McKibben (3/18/03).

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: March 18, 2003, 3:10 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Discussion regarding the status of committee bills and other issues being referred to the committee.

Adjourned: 3:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: March 18, 2003, 3:15 p.m.

Members Present: McKibben, Chair; Lamberti, Vice Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: None.

Committee Business: Discussion regarding the committee bill.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILL

Senate File 423, by Holveck, a bill for an act relating to third-party payor coverage for prescription drugs, including off-label use of prescription drugs.

Read first time under Rule 28 and referred to committee on **Commerce**.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing **Senate File 401** and amendment **S-3057**, the following correction was made:

1. Page 1, line 9, the comma after "**5A**" was removed.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

<u>S-3038</u>	<u>S.F. 270</u>	Nancy Boettger
<u>S-3039</u>	<u>S.F. 275</u>	Neal Schuerer
<u>S-3040</u>	<u>S.F. 316</u>	Jeff Angelo

S-3041	S.F. 155	Keith Kreiman Steve Kettering
S-3042	S.F. 297	Dennis H. Black
S-3043	S.F. 390	Mary A. Lundby Bryan J. Sievers
S-3044	S.F. 390	Mary A. Lundby Bryan J. Sievers
S-3045	S.F. 390	Bryan J. Sievers Mary A. Lundby
S-3046	S.F. 37	David Miller Bob Brunkhorst
S-3047	S.F. 297	Kitty Rehberg
S-3048	S.F. 351	Maggie Tinsman
S-3049	S.F. 390	Dick L. Dearden
S-3050	S.F. 390	Dick L. Dearden
S-3051	S.F. 390	Dick L. Dearden
S-3052	S.F. 390	Dick L. Dearden Jack Hatch
S-3053	S.F. 275	Neal Schuerer Jerry Behn
S-3054	S.F. 352	Keith A. Kreiman
S-3055	S.F. 334	Keith A. Kreiman
S-3056	S.F. 390	Mary A. Lundby Bryan J. Sievers
S-3057	S.F. 401	Bryan J. Sievers
S-3058	S.F. 396	Hubert M. Houser
S-3059	S.F. 390	Dick L. Dearden Jack Hatch Jack Holveck Wally E. Horn
S-3060	S.F. 400	Charles W. Larson, Jr.
S-3061	S.F. 373	Dennis H. Black
S-3062	S.F. 357	Herman C. Quirnbach
S-3063	H.F. 319	Steven H. Warnstadt

PROOF OF PUBLICATION
([House File 615](#))

Published copy of [House File 615](#) and verified proof of publication of said bill in the Polk County Press Citizen, a weekly newspaper of general circulation, printed and published in Polk County, Iowa, on February 14, 2003, was filed with the Secretary of the Senate on March 18, 2003, in accordance with Iowa Code section 585.1.